

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
E.G., individually and as parent and natural
guardian of A.I. and L.I., minor children;
M.M., individually and as parent and natural
guardian of E.H., L.H., Ev.P., and E.P.,
minor children; O.M., individually and as
parent and natural guardian of A.M., a minor
child; and COALITION FOR THE
HOMELESS, on behalf of themselves and
all others similarly situated,

Plaintiffs,

-against-

THE CITY OF NEW YORK; NEW YORK
CITY DEPARTMENT OF EDUCATION;
RICHARD A. CARRANZA, as Chancellor of
the New York City Department of Education;
NEW YORK CITY DEPARTMENT OF
SOCIAL SERVICES; STEVEN BANKS, as
Commissioner of the New York City
Department of Social Services; NEW YORK
CITY DEPARTMENT OF HOMELESS
SERVICES; JOSLYN CARTER, as
Administrator of the New York City
Department of Homeless Services; NEW
YORK CITY HUMAN RESOURCES
ADMINISTRATION; GARY JENKINS as
Administrator of the New York City Human
Resources Administration; NEW YORK CITY
DEPARTMENT OF INFORMATION
TECHNOLOGY AND
TELECOMMUNICATIONS; and JESSICA
TISCH, as Commissioner of the New York
City Department of Information Technology
and Telecommunications,

Defendants.

-----X

Index No. 20-CV-9879

CASE NO.

**DECLARATION OF GRANT R. MAINLAND IN SUPPORT OF ORDER TO SHOW
CAUSE FOR A PRELIMINARY INJUNCTION**

I, Grant R. Mainland, hereby declare as follows:

1. I am a partner at the law firm Milbank LLP, counsel to Plaintiffs in the above-captioned action. I am a member in good standing of the bar of the State of New York and of this Court. I submit this Declaration in support of Plaintiffs' Motion for a Preliminary Injunction (the "Motion").

2. Rule 6.1(d) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York (the "Local Rules") provides: "No ex parte order, or order to show cause to bring on a motion, will be granted except upon a clear and specific showing by affidavit of good and sufficient reasons why a procedure other than by notice of motion is necessary, and stating whether a previous application for similar relief has been made."

3. Rule 6.1(b) of the Local Rules provides the required timing for briefing on civil motions that are brought on notice of motion, other than discovery motions referenced in Rule 6.1(a). As applied here, if the Motion were brought on notice of motion, briefing would not be complete until December 14, 2020, potentially with a hearing to follow. The relief sought by the Motion is an injunction ordering Defendants to equip all shelters housing school-aged children in New York City with reliable WiFi access as soon as reasonably practicable, but in no event later than January 4, 2021—the date on which New York City public schools resume session in 2021.

4. The order to show cause procedure is necessary here given the urgent need to remedy the internet access issues presented by this lawsuit on a timetable that will provide meaningful relief to Plaintiffs, whose minor children have been prevented from meaningfully participating in school due to lack of internet access in the City's shelters. To proceed by way of notice of motion is not realistic here; by the time the Motion is adjudicated, if the Court were to

grant the injunction sought by the Motion, it might be practically impossible for Defendants to comply with the Court's order.

5. Plaintiffs have not made a previous application for similar relief in this action.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 23rd day of November 2020.

/s/ Grant R. Mainland

Grant R. Mainland
Milbank LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 530-5251
GMainland@milbank.com

Attorneys for Plaintiffs